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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,588	03/29/2000	OTGER WEWERS	112740-033	9579

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EXAMINER

MILORD, MARCEAU

ART UNIT PAPER NUMBER

2682

DATE MAILED: 10/05/2004

*[Handwritten mark]*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/509,588

Applicant(s)

WEWERS, OTGER

Examiner

Marceau Milord

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US Patent No 5335276) in view of Caswell et al. (US Patent No 6009082).

Regarding claim 3, Thompson discloses an integrated circuit (82 of figs. 7-8) in a communications terminal device (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 20; col. 10, lines 63-68) comprising: a microcontroller (180 of fig. 10) a radio-cell specific logic module (100 of figs. 10, 7 and 8 which is a module; col. 4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12; col. 10, line 55- col. 11, line 37; col. 15, line 38- col. 16, line 36)

However, Thompson does not specifically disclose the feature of a digital signal processor for digital voice processing and an interface to a digital voice memory with which a

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call-answering functionality is enabled via the microcontroller in combination with the digital voice memory.

Caswell et al, on the other hand, discloses a telephone module that allows the system to operate as a sophisticated telephone system. This system converts voice into a digital signal so that it can be transmitted or stored with other digital data, like computer information. The telephone function supports PBX and Centrex features such as call waiting; call forwarding, caller-ID and three-way calling. The voice mail portion allows this system to operate as telephone answering machine by storing voice messages as digitized voice files along with a time/date voice stamp (col. 2, line 35- col. 3, line 25; col. 5, lines 17-59). Furthermore, Caswell shows in figure 3, a controller circuit 313 that controls the DSP data circuit and the voice control DSP circuit 306 through serial input/output and clock timer control and dual port RAM circuit 306 respectively. The main controller circuit communicates with the voice control DSP through dual port RAM circuit 308 (col. 7, lines 1-67; col. 15, lines 1-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Caswell to the communication system of Thompson in order to use a telephone link as a communication link for high speed transmission of pre-recorded material and control codes to facilitate that transmission, limiting the use line for voice messaging as a recording or playback device.

Regarding claims 4 and 8, Thompson as modified discloses an integrated circuit in a communications terminal device (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 65) comprising: a microcontroller (180 of fig. 10) a radio-cell specific logic module (100 of figs. 10, 7 and 8; col.

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4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12) wherein call-answering software is deposited in the microcontroller (col. 7, line 22- col. 8, line 55).

Regarding claims 5 and 9, Thompson as modified discloses an integrated circuit in a communications terminal device (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 65) comprising: a microcontroller (180 of fig. 10) a radio-cell specific logic module (100 of figs. 7-8, 10; col. 4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12) wherein the microcontroller, the radio cell-specific logic module and the digital signal processor are connected to one another via an internal bus system (64 of figs. 7-8; col. 9, line 55- col. 10, line 68).

Regarding claims 6 and 10, Thompson as modified discloses an integrated circuit in a communications terminal device (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 65) comprising: a microcontroller (180 of fig. 10) a radio-cell specific logic module (100 of figs. 7-8, and 10; col. 4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12) wherein the digital voice memory also is connected to the internal bus system (64 of figs. 7-8; col. 9, line 55- col. 10, line 68).

Regarding claim 7, Thompson discloses a mobile radio device (50 of fig. 1 or 90 of fig. 8) for wireless linking to a cellular radio network according to the DECT standard (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 65), comprising: an integrated circuit (82 of figs. 7-8) having a microcontroller (180 of fig. 10), a radio cell-specific logic module (100 of figs. 7-8, and 10; col. 4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12; col. 10, line 55- col. 11, line 37; col. 15, line 38- col. 16, line 36).

However, Thompson does not specifically disclose the feature of a digital signal processor for digital voice processing to a digital voice memory with which a call-answering functionality is enabled via the microcontroller in combination with the digital voice memory;

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and a receptacle device connected to the integrated circuit for acceptance of the digital voice memory.

Caswell et al, on the other hand, discloses a telephone module that allows the system to operate as a sophisticated telephone system. This system converts voice into a digital signal so that it can be transmitted or stored with other digital data, like computer information. The telephone function supports PBX and Centrex features such as call waiting; call forwarding, caller-ID and three-way calling. The voice mail portion allows this system to operate as telephone answering machine by storing voice messages as digitized voice files along with a time/date voice stamp (col. 2, line 35- col. 3, line 25; col. 5, lines 17-59). Furthermore, Caswell shows in figure 3, a controller circuit 313 that controls the DSP data circuit and the voice control DSP circuit 306 through serial input/output and clock timer control and dual port RAM circuit 306 respectively. The main controller circuit communicates with the voice control DSP through dual port RAM circuit 308 (col. 7, lines 1-67; col. 15, lines 1-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Caswell to the communication system of Thompson in order to use a telephone link as a communication link for high speed transmission of pre-recorded material and control codes to facilitate that transmission, limiting the use line for voice messaging as a recording or playback device.

#### Response to Arguments

2. Applicant's arguments filed on 6-30-2004 have been fully considered but they are not persuasive.

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Applicant's representative argues that Thompson fails to teach a digital voice memory with which a call answering functionality is enabled via a microcontroller in combination with the digital voice memory.

However, Caswell shows in figure 2 a system that converts voice into a digital signal so that it can be transmitted or stored with other digital data, like computer information. The voice mail portion allows this system to operate as a telephone answering machine by storing voice messages as digitized voice files along with a time/date voice stamp. The digitized voice files can be saved and sent using a queue scheduler. The user can also listen to, forward or edit the voice messages. The module also creates queues for outgoing messages to be sent at pre-selected times and allows the user to create outgoing messages with the voice editor (see col. 5, lines 30-66). Furthermore, Caswell also shows in figure 3, a digital telephone CODEC that interfaces with the voice control digital signal processor circuit which includes a voice control DSP and CODEC. The CODEC of the voice control circuit is actually an integral component of a voice control digital processor integrated circuit (col. 6, lines 30-68). It is considered that Caswell teaches the same features as described in figures 2 and 3. Since these two systems are two integrated circuits, they can be combined.

In response to applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken, as a whole would suggest

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to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. In re Bozec, 163 USPQ 545 (CCPA) 1969. In this case, it would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made to apply the technique of Caswell to the communication system of Thompson in order to use a telephone link as a communication link for high speed transmission of pre-recorded material and control codes to facilitate that transmission, limiting the use line for voice messaging as a recording or playback device.

#### Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD

Marceau Milord

Examiner

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MARCEAU MILORD  
PRIMARY EXAMINER